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Chairman: Mr. ESCOVAR SALOM (Venezuela)

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AGENDA ITEM 150: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

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The meeting was called to order at 3.05 p.m.

AGENDA ITEM 150: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (A/51/33 and A/51/317)

1. Mr. CORELL (The Legal Counsel), referring to the status of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council, said that in April he had brought to the attention of the heads of the Secretariat units concerned the recommendations of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. In its reply, the Department of Political Affairs had referred to its comments contained in paragraphs 15-19 and 44-51 of the Note by the Secretariat (A/AC.182/L.87); it had also made some recommendations, such as redeployment of staff, recourse to interns and use of computers, stressing, however, that there were limits to what could be achieved by those measures. The Department had also pointed out that the active involvement of Member States was needed for soliciting additional financial and human resources from outside institutions and streamlining the publications. In that regard, the Department had noted that the format and contents of the publications in question had initially been determined with the guidance of the Member States. Lastly, the Department had pointed out that if the present resources were to be devoted to the preparation of studies for the Repertory, the preparation of the next supplement of the Repertoire, covering the period 1990-1992, would have to be delayed.

2. The Department of Policy Coordination and Sustainable Development had expressed concern at the fact that the backlog related to the Repertory, as far as the Department was concerned, went back to the period 1970-1978, and that the bulk of the Charter articles for which it was responsible (Arts. 55-72) had not been prepared. The problem, in part, was due to growth in the number of agenda items before the General Assembly and the Economic and Social Council, which had more than tripled since the inception of the Repertory, while the number of Member States had nearly quadrupled in the same period. The task of preparing the studies would involve compilation and analysis of all data relating to the relevant resolutions and decisions of the General Assembly and the Economic and Social Council, cross-analysis of data with summary records, and cross-references to other Repertory studies, as well as consultations with the Office of Legal Affairs for possible revision. For the period 1970-1978, the task would require the full-time involvement of a knowledgeable professional at a supervisory level, assisted by capable interns and secretarial help for at least nine months. For the period 1979-1996, a minimum of a further 25-30 months of work under the same conditions would be required. In addition, the length of time needed to complete the work would depend on the availability of various facilities, such as access to computer technology, office space and so on. Furthermore, in the Department's mandate the General Assembly had given high priority to four questions (Africa and follow-up to the Rio, Beijing and Copenhagen Conferences). In view of the fact that its financial and human resources were extremely stretched, the Department did not see how, under the circumstances, it could reconcile both sets of obligations.

3. The High Commissioner for Human Rights had expressed the view that the Repertory represented an important reference for tracing the evolution of Charter provisions relating to human rights, and consequently there was a need to maintain it. He nonetheless recognized the difficulties that that would entail in view of the limited resources available. He hoped that as the restructuring process of the Centre for Human Rights was realized, he would be in a position to submit more comments and to make concrete suggestions.

4. The Office of Legal Affairs was responsible for preparing a large number of initial studies on some 20 Charter articles, in addition to the difficult and demanding task of coordinating and reviewing initial studies prepared by other units pertaining to all 111 articles of the Charter. Like other Secretariat units, the Office had to cope with an increasing workload with a reduced staff and under severe financial constraints, a situation which created considerable obstacles to its ability to discharge its responsibilities effectively in the future. Furthermore, even accepting the burden that the concentration of the review and coordination work within a single unit would represent, the elimination of the Repertory backlog would not be possible without the full cooperation of all the units involved over which the Office had no administrative control. Moreover, the lack of additional resources that the Office of Conference Services needed for the editing, translation and printing of the Repertory could further delay its production.

5. Referring to the Secretary-General's report on the work of the Organization (A/51/1, para. 56), he said that with the streamlining of the Organization, the heavy task of preparing and coordinating work on the Repertory had been concentrated in a small number of Secretariat units, one of which, the Department of Political Affairs, was also responsible for the production of Repertoire supplements. Consequently, and given the size of the backlog, every effort should be made to find possible means of facilitating the preparation of the two publications.

6. In the Charter Committee's discussions, a number of delegations had suggested that the Secretariat should utilize interns and computers and seek external financial assistance. The Secretariat had made use of interns for gathering materials, but the period of services provided by them was not longer than two months, which was inadequate for the purpose of performing such work; moreover, their work required continuous guidance and close supervision by experienced staff. Consequently, recourse to interns had not significantly reduced the involvement of professional staff. Redeployment of staff was a good idea, but did not appear to be a feasible option for the moment. Without additional resources, therefore, the Repertory could not be given priority over other urgent responsibilities. With respect to computerization and the creation of a data bank, those steps were obviously of crucial importance to facilitating the work; however, they would have to be carried out on the basis of the ongoing programme of creating a data bank of United Nations documentation. At the present time, the optical disk system covered resolutions and documentation, which could certainly help with the work on the Repertory. As the Department of Political Affairs had pointed out, other suggestions made by the Charter Committee, namely soliciting human and financial resources from outside institutions, or revision of the format of the two publications, would require more direct inputs from Member States.

7. Ms. FLORES (Chairman, Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization), introduced the report of the Special Committee (A/51/33). At its 1996 session, the Committee had examined several proposals concerning the maintenance of international peace and security, peaceful settlement of disputes between States, the Trusteeship Council, the status of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council, and the identification of new subjects for consideration in the future work of the Special Committee.

8. Regarding the maintenance of international peace and security, the discussion had centred on the question of implementing the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter. In the Working Group, the working paper on that topic submitted by the Russian Federation had been examined, and as a result of its deliberations, the Special Committee had invited the General Assembly at its fifty-first session to consider the question of an appropriate organizational framework for addressing further the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions under Chapter VII of the Charter and the implementation of resolution 50/51, taking into account the reports of the Secretary-General as well as the proposals presented and views expressed in the Special Committee.

9. In relation to the general topic of the maintenance of international peace and security, the Special Committee had also considered the revised proposal presented by the Libyan Arab Jamahiriya with a view to strengthening the role of the United Nations in the maintenance of international peace and security. It had also considered the revised working paper submitted by Cuba entitled "Strengthening of the role of the United Nations in the maintenance of international peace and security; strengthening of the role of the Organization and enhancing its effectiveness".

10. In relation to the question of peaceful settlement of disputes between States, the Special Committee had considered the proposal submitted by Sierra Leone entitled "Establishment of a dispute settlement service offering or responding with its services early in disputes". The proposal's sponsor had referred to a document entitled "Annotation" (A/50/403), reproduced in paragraph 65 of the report, which was a detailed commentary and clarification of the proposal prepared in response to requests for clarification made at the previous session of the Special Committee. The delegation of Sierra Leone had stated that it intended to prepare, in cooperation with other interested delegations, in particular Guatemala, a revised version of its proposal which would take into account the Committee's comments.

11. Section V contained an examination of proposals concerning the Trusteeship Council. Paragraphs 98 to 100 of the report reflected the deliberations on that subject in the plenary and paragraphs 101 to 108 the exchange of views which had taken place in the Working Group.

12. Section VI of the report dealt with the status of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council. The Legal Counsel had introduced a note by the Secretary-General on

the subject, which was summarized in paragraphs 108 to 113 of the report. The Special Committee had noted the value of the two publications to the Organization, Member States and to institutions and interested individuals, and had expressed its appreciation to the Secretariat for the note on their status. It had invited the General Assembly to request the Secretary-General, taking into account the views expressed and the practical suggestions made during the debates held within the framework of the Committee, to expedite the preparation and publication of the supplements and to submit a progress report on the matter to the Assembly before its fifty-second session.

13. Section VII of the report referred to the identification of new subjects for consideration in the future work of the Special Committee. The Russian Federation had submitted a working paper, and there had been other proposals concerning the identification of new subjects for consideration in the future work of the Special Committee with a view to contributing to the revitalization of the work of the United Nations and to discussing how to offer its assistance to the working groups of the General Assembly in that field. Among the proposals were those related to the contribution the Special Committee could make to the ongoing debate on United Nations reform; consideration of the question of the composition of other subsidiary organs of the General Assembly; the question of cooperation between the United Nations and regional arrangements or agencies; the utilization of the legal expertise and technical assistance of the Special Committee in connection with the juridical aspects of the Charter; expansion of the agenda of the Special Committee; the consideration of issues relevant to the new generation of conflicts and systems of collective security; the preparation of a draft convention on the prevention and peaceful settlement of disputes and conflicts; and continuation of the consideration of the application of sanctions and the creation of mechanisms of assistance to affected third States.

14. In conclusion, the topics currently on the agenda of the Special Committee were of real importance. By definition, the Special Committee was called on to deal with a broad range of topics covering the various processes evolving within the Organization.

15. Mr. HAYES (Ireland), speaking on behalf of the European Union, Bulgaria, the Czech Republic, Cyprus, Hungary, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, said that, with regard to the question of the implementation of the provisions of the Charter of the United Nations concerning assistance to third States affected by the applications of sanctions under Chapter VII of the Charter, at the latest session of the Special Committee Italy had presented the views of the Fifteen, welcoming General Assembly resolution 50/51 as an important and very positive measure. After reviewing the content of its paragraphs 1, 2, 3 and 4, he said that the measures foreseen in the resolution, together with an active role on the part of United Nations organs and organizations, the international financial institutions in particular, in the field of assistance to third States, should contribute significantly to resolving the problems of adversely affected States.

16. The European Union welcomed the transparency measures taken by the Security Council and the sanctions committees, which had improved procedures for third States seeking assistance. It also thanked the Secretary-General for his report

(A/51/317), welcomed the steps taken by the Secretariat in response to the tasks set out in paragraphs 3 and 4 of General Assembly resolution 50/51 and noted with interest the Secretary-General's proposals, including further consultation with experts inside and outside the United Nations system, in particular the international financial and trade institutions. The European Union would welcome further measures aimed at enhanced cooperation and coordination among the relevant Secretariat departments.

17. In dealing with that important and difficult problem, two factors must be taken into account. The first was that, in the interests of the well-being of the international community, the powers granted to the Security Council under Chapter VII of the Charter must not be undermined; the overall effectiveness of sanctions regimes, the primary enforcement measure established therein, must therefore be preserved. The second, in-depth consideration of the situation of affected third States, was also provided for in Chapter VII. The European Union noted with satisfaction that the provisions of resolution 50/51 fulfilled both criteria, and urged all States, in the light of the provisions of Article 49 of the Charter, to ensure that both factors were taken into account when sanctions were applied under Chapter VII.

18. The European Union had given proof of its seriousness of purpose by providing substantial economic and humanitarian assistance to third States affected by sanctions regimes, in particular in connection with the situation in the former Yugoslavia. Total assistance for transport infrastructure in the Balkans region had risen from 83.5 million ECUs in 1995 to 153.9 million ECUs in 1996. In addition, the European Union had kept under review the situation of the two main customs corridors in the Balkans. The European Union believed that the implementation of those measures could be financed through the "transit facilitation and customs modernization programme" of the programme entitled Poland-Hungary Aid for the Reconstruction of the Economy (PHARE).

19. As for the status of the Repertory of Practice of United Nations Organs and of the Repertoire of the Practice of the Security Council, the note by the Secretariat on that subject (A/AC.182/L.87), of which he gave a brief summary, made for sombre reading. For obvious reasons, the publication of both documents in the official languages of the United Nations was of the utmost importance and, while various measures to remedy the situation had been suggested, there had been no indication that they would be adequate. The statement made at the current meeting by the Legal Counsel of the United Nations had highlighted existing problems. Without going into detail as to the various options which should be considered, the European Union urged that the necessary steps should be taken in order to ensure the timely publication of both the Repertory and the Repertoire in future and to eliminate the backlog. It endorsed the recommendation contained in paragraph 126 of the report of the Special Committee (A/51/33).

20. Ms. ESCARAMEIA (Portugal) said that the most recent session of the Special Committee on the Charter had been the first occasion since that Committee's establishment on which her delegation had been able to participate in its debates as a member. She therefore wished to express her delegation's satisfaction at the important decision adopted the year before opening up membership in the Special Committee to all States Members of the United Nations.

21. Her delegation fully supported the remarks made by the representative of Ireland, on behalf of the European Union, in his statement on the question of the implementation of provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, and on the status of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council.

22. With respect to consideration of proposals concerning the Trusteeship Council, it was premature to suggest the abolition of that organ, because its functions could not be said to have been completely finished, particularly as concerned the provisions of Article 77, paragraph 1 (c), of the Charter of the United Nations. The proposal by Malta concerning a possible role for the Trusteeship Council as the focal point for coordination of the various programmes in the field of the environment deserved attention.

23. As to the identification of new subjects for consideration in the future work of the Special Committee, the Committee had debated, inter alia, its contribution to the revitalization of the work of the United Nations and had discussed ways in which it might offer assistance to the working groups of the General Assembly on questions related to the reform of the Organization. The Special Committee had an important role to play in that regard and could provide considerable assistance to the various General Assembly working groups on reform, geared to their needs. Although every issue in the reform process had political and legal aspects, the categorization and allocation of matters was a question of degree; the Special Committee should deal with the more technical aspects of complex situations or the more specifically legal issues.

24. Resolution 50/52 assigned to the Special Committee the dual function of acting as a forum for the presentation of new proposals and as a body that provided legal assistance to other organs. As a corollary, coordination between the Special Committee and the other reform groups seemed essential. Her delegation therefore reaffirmed its support for the statements made by the chairmen of some of the General Assembly working groups on reform calling for informal consultations with the Chairman of the Special Committee for purposes of exchanging information. Such an exchange should help to coordinate the work of allocating items, which would contribute to the avoidance of unnecessary duplication in the activities of the various groups.

25. With respect to the Special Committee's schedule, her delegation believed that, while the traditional two-week session should be maintained, flexibility should be exercised with respect to the possibility of holding additional meetings, should the need arise, to be convened by the Chairman.

26. Concerning the proposals under review by or recently submitted to the Special Committee, she said that her delegation would participate with interest in the debate on the proposal by Sierra Leone, although it believed that some parts of it, such as those relating to the role of the board of administrators must be significantly revised. It also believed that the proposal by the Russian Federation entitled "Draft declaration on the basic principles and criteria for the work of the United Nations peacekeeping missions and mechanisms

for the prevention and settlement of crises and conflicts" deserved further consideration.

27. Ms. LADGHAM (Tunisia), referring to the question of remedying the economic problems which might affect third States as a result of the application of sanctions under Chapter VII of the Charter, said that Article 50 of the Charter was very clear in that respect. The organ decreeing the imposition of sanctions was responsible for resolving those problems. Any solution involving the transfer of such responsibility to another entity was not in keeping with the letter and spirit of the Charter. In her delegation's view, Article 50 would be fully implemented and the question of assistance to third States would be completely resolved only if a permanent mechanism was established within the Organization. Her statement was based on the observation that the case-by-case approach taken thus far had not yielded the desired results.

28. Although General Assembly resolution 50/51, like any compromise text, had flaws and gaps, her delegation viewed it as positive, because it opened up new possibilities, and attached very special importance to some of its provisions, in particular paragraphs 1 and 3 (d).

29. In paragraph 1 of the resolution, the General Assembly underlined the importance of holding consultations as early as possible with third States and invited the Security Council to consider appropriate ways and means for increasing the effectiveness of its working methods and procedures applied in the consideration of the requests by the affected countries for assistance. In order to ensure that such consultations were productive, they should be held on a continuing basis prior to the imposition of sanctions. With respect to the working methods and procedures for the consideration of requests for assistance, every request without exception must be considered, there must be no unjustified delays and all requests must be accorded equal treatment.

30. In paragraph 3 (d) of the resolution, the Secretariat was requested to explore innovative and practical measures of assistance to the affected third States. Since her delegation understood that such assistance was both economic and financial, no means should be overlooked, including those which could lead to the mobilization of financial resources. That provision, which was a key element of resolution 50/51, seemed to have become a dead letter since no mention was made anywhere in the report of any measures adopted by the Secretariat in that regard.

31. Indeed, a reading of the report gave the impression that the only concrete measure taken by the Secretariat subsequent to the adoption of the relevant resolution had involved the distribution of responsibilities within the Secretariat. The report noted that certain tasks recommended by the General Assembly could be implemented only at the request of the Security Council and its organs or Member States. While such was undoubtedly the case, she wondered about the fate of the other activities, especially the task relating to the development of a common methodology for assessing the adverse impact of sanctions on third States. It was her understanding that the Secretariat had been dealing with that question for over three years and that the relevant department would continue its consultations with the experts in order to develop

such a methodology. It would have been more instructive if the Committee had been given a clearer picture of the progress achieved thus far in that regard.

32. In her delegation's view, the general debate of the Sixth Committee was not the appropriate forum for a further consideration of the implementation of the provisions of resolution 50/51; rather, it would prefer the establishment of a working group which could be entrusted with refining certain provisions of the resolution in order to expedite its implementation, as well as with putting forward new proposals which could help to promote progress.

33. The question of the future of the Trusteeship Council had been raised in the Special Committee. In the view of her delegation, the Council was not just any organ; rather it was a principal organ of the United Nations established under the Charter which had been entrusted with a historic mandate. The fact that that mandate had been fulfilled was not a valid reason for abolishing the Trusteeship Council, as had been proposed by some delegations. Her delegation did not have a firm position on the possibility of assigning a new role to the Trusteeship Council; in that regard, the Maltese delegation's proposal should be considered.

34. With respect to the Special Committee's future, some delegations had wondered about the Special Committee's raison d'être in view of its modest achievements. In her delegation's view, that state of affairs was due to the fact that, over the years, the Special Committee appeared to have lost sight of its initial mandate and had rather instead focused its attention on issues that had no practical consequences and were of secondary importance. The mushrooming of ad hoc working groups of the General Assembly on the reform of the Organization had also affected the current situation of the Special Committee. The most recent blow suffered by the Special Committee had been the decision adopted at the latest session of the General Assembly to permit all States Members of the Organization to participate in its deliberations.

35. In her delegation's view, the Special Committee had a crucial role to play in the reform process; however, for its input to be useful, it had to change its priorities and reorganize its programme of work. To that end, she proposed that the Special Committee should hold a three-week session devoted to the revitalization of its work.

36. Mr. DAHAB (Sudan) recalled that in 1996 the Security Council had adopted three resolutions against his country under Chapter VII of the Charter of the United Nations, without his country being afforded the appropriate opportunities to settle peacefully the disputes in respect of which sanctions had been imposed against it. Moreover, from a legal standpoint, fairness and justice would have required the submission of the dispute to arbitration or to the International Court of Justice for a ruling, as provided for by Article 36 of the Charter. For those reasons, he supported the establishment of the mechanisms proposed by the Special Committee for the peaceful settlement of disputes and the proposals submitted by some delegations in the Special Committee with respect to the need to define situations that threatened international peace and security. The end of the cold war had brought about a new international political situation which required the strengthening of the mandate and of the International Court of

Justice in order to enable the Court to play an effective role in settling disputes submitted to it.

37. Mr. DIMITROV (Bulgaria) said that his delegation associated itself with the statement made by the representative of Ireland on behalf of the European Union with respect to the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions. His country was one of those which had suffered the most serious economic losses as a result of the strict implementation of international sanctions, especially sanctions against the Federal Republic of Yugoslavia. Over the past few years, Bulgaria had repeatedly stressed the need to resolve the serious economic problems of third States affected by the implementation of sanctions. Given the long-lasting nature of such problems, their adverse impact continued to be felt even after sanctions had been lifted; that aspect of the problem should also be taken into consideration.

38. In his view, the provisions of resolution 50/51, especially those concerning the need for early consultations with the Security Council, the role of the Secretariat in providing advice on options for mitigating the adverse effects of sanctions as well as in exploring innovative and practical measures of assistance, and the role and activity of the international financial institutions in the field of assistance to third States, needed to be fully implemented. However, in view of the complex nature of the problem, that resolution should be regarded as a starting point, rather than as the final result, and a mechanism for its practical implementation should be developed. In that regard, the Secretary-General's report on that question (A/51/317) offered valuable and timely ideas pertaining to the possible guidelines which might be adopted on technical procedures for the implementation of the resolution as well as possible options for follow-up action. Further consideration should also be given to the proposals in the Secretary-General's report contained in document A/50/361, including the establishment of a forum for consultations between the affected third countries and the donor community at large, where an assessment of needs based on a common methodology could be combined with joint elaboration of specific remedy measures, including the identification of funding sources. The proposal for a special forum for meetings with the donor countries contained in document A/50/189-S/1995/412 submitted jointly by Bulgaria, Greece, the Republic of Moldova, Romania and Ukraine, was also relevant in that connection.

39. Bulgaria believed that a number of other proposals seemed ripe for discussion during the current session, such as, for example, the proposal to utilize all the technical expertise available in the United Nations system for developing a common methodology for assessing the adverse impact of sanctions on third States; the proposal to promote the role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring economic assistance efforts; and the proposal to create an appropriate organizational framework for a dialogue between the affected third States and the relevant specialized agencies, international financial institutions and the donor countries concerned.

40. Finally, Bulgaria was of the view that the Sixth Committee should establish at its current session a working group to consider on a priority basis the complex issues that had just been raised.

41. Mr. ROGACHEV (Russian Federation) said that consideration should also be given to the possibility of creating in the future independent working groups on issues that were within the mandate of the Special Committee, particularly since that Committee had become an open-ended body. At the Special Committee's most recent session, the Russian Federation had submitted for its consideration two working papers entitled "Some observations regarding the implementation of the provisions of the Charter of the United Nations, including Article 50 on assistance to third States adversely affected by the application of sanctions under Chapter VII of the Charter" and "Draft declaration on the basic principles and criteria for the work of United Nations peacekeeping missions and mechanisms for the prevention and settlement of crises and conflicts", aimed at advancing the debate on the problems outlined therein. Specifically, the Russian Federation would like the General Assembly and the Special Committee to consider the latter document, article by article, in 1997.

42. The Russian Federation was of the view that the problems caused by the application of sanctions (mainly economic) were complex and that various criteria and principles should be used to address each aspect of those problems. That was particularly true of the criteria for the application, imposition and lifting of sanctions, the setting of "humanitarian limits" to such sanctions, the application of Article 50 of the Charter of the United Nations and various other procedural matters. The problem now raised by the application of Article 50 of the Charter was the need for the international community as a whole to prepare effective measures for assisting countries which suffered particularly serious economic harm, including the establishment and strengthening of a mechanism for holding consultations between States likely to incur sanctions and the Security Council, preferably before sanctions were imposed; the establishment of procedures for consultations between affected States and the community of donors; identification of the problems and needs of those States in order to formulate specific recommendations for resolving them; elaboration of a common methodology for assessing the losses suffered by third States, and the resolving of various questions of procedure.

43. He commended the Sixth Committee on the work it had done the previous year in that field which had resulted in the adoption of General Assembly resolution 50/51. The adoption of that resolution was, however, only the beginning of the task of elaborating an international legal regulatory framework for all sanctions-related problems. In that connection, he took note of the report submitted on the matter by the Secretary-General in document A/51/317, in accordance with the request contained in Assembly resolution 50/51. In his view, the reports submitted by the Secretary-General on the matter had been very deficient and he hoped that they would be improved in terms of their substantive content and the presentation of innovative proposals. On the other hand, he supported the proposal to create a working group of the Sixth Committee to keep the problem of sanctions under continued review.

44. With regard to the future of the Trusteeship Council, the Russian Federation felt that it was not necessary to take any specific measures to

officially abolish it, since the Council currently employed no staff, held no regular meetings and did not use up any resources of the Organization. As for the proposal to consider the possibility of entrusting the Council with new tasks, two issues were being confused, namely, the abolition of an organ and the establishment of a new one. Those were different issues and should therefore be given separate treatment.

45. Finally, the Russian Federation supported the proposal to continue work on the establishment of a dispute settlement service and to publish as early as possible the supplements to the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council.

46. Mr. LEGAL (France) said that he fully shared the views expressed by the representative of Ireland on behalf of the European Union and attached great importance to the question of assistance to third States which suffered economic losses as a result of the application of sanctions. In his view, considerable progress had been made in that field since the fiftieth session of the General Assembly, particularly as a result of the adoption of Assembly resolution 50/51.

47. He wished to place emphasis on two ideas which were essential for the proper functioning of the mechanisms and procedures for the application of the provisions of the Charter concerning assistance to third States affected by the application of sanctions. Firstly, with regard to coordination of the assessment of the impact of sanctions on third States, information provided to the Security Council and its subsidiary organs and information to third States on available mechanisms of assistance, he was convinced of the need to establish a single office with responsibility for such coordination, since, if that were not done, the result could be an overlapping of mandates, delays in the granting of assistance and even the exhaustion of resources. Secondly, it was necessary to define a precise methodology for assessing the harm caused to third States by the application of sanctions. In that connection, he thanked the Secretary-General for setting out in his report (A/51/317) the broad guidelines on which to base the granting of assistance and the types of harm that would create a right to claim compensation. That report constituted a useful basis for work, but would have to be further refined, since it was more a description of the obstacles to be overcome in implementing the assistance measures than a genuine methodology for assessing the harm caused to third States. He therefore endorsed the proposal by the Secretary-General that experts in that field should continue to be consulted, even though the pace of work would have to be accelerated, given the precarious situation in which States affected by the application of sanctions found themselves.

48. The proposal presented by Sierra Leone for the establishment of a "dispute settlement service offering or responding with its services early in disputes" was based on commendable considerations, although it did not seem absolutely necessary to establish a new procedure in a field that was already regulated by the relevant provisions of the Charter of the United Nations and numerous international legal instruments.

49. With regard to the proposals concerning the Trusteeship Council, France was not convinced of the need to amend Chapters XI, XII and XIII of the Charter. He agreed that the question of the administration of Non-Self-Governing Territories

was extremely complex and should therefore be considered in greater depth before the process of reform of the Charter was begun. At any rate, the existence of provisions governing trusteeship did not give rise to any problems of a budgetary or organizational nature for the United Nations.

50. The delegation of France fully agreed with the statement made by the representative of Ireland, on behalf of the European Union, on the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council. Those Repertories, whose preparation, translation and publication entailed a great deal of work, were, however, very useful for evaluating the evolution of the institutional practice and at the same time helped to ensure the transparency of the activities of the United Nations and the preservation of its institutional memory. It was therefore unacceptable that both Repertories should be published late or else in only some of the official languages of the Organization.

51. Concerning the content and organization of the future work of the Special Committee, the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter should be considered on a priority basis. Moreover, the creation of various working groups for the consideration of the reform of the Organization had not diminished interest in the work carried out by the Special Committee. The Special Committee was the most appropriate and effective forum for the exchange of opinions by delegations on the legal consequences of the various proposals formulated in different areas.

52. Mr. MAZILU (Romania) endorsed the statement made by the representative of Ireland on behalf of the European Union.

53. During its most recent session, the accomplishments of the Special Committee in the areas of the strengthening of the role of the Organization and the review of the provisions of the Charter had been rather modest. However, it might have been able to make a useful contribution to the discussions on the reform of the United Nations and provided legal advice with regard to the amendment of the Charter and the rules of procedure of various bodies. In that connection, the Special Committee should consider the question of the composition of some subsidiary bodies of the General Assembly and the important question of cooperation between the United Nations and regional arrangements or agencies.

54. The General Assembly should recommend to the various working groups on different aspects of the reform of the United Nations that they should utilize the legal and technical assistance of the Special Committee; as experience had shown, it was the most appropriate forum for considering various legal issues that arose in connection with the reform of the Organization and the amendment of the Charter.

55. His delegation supported the request formulated by the General Assembly in paragraph 4 (c) of its resolution 50/52 that the Special Committee should continue its consideration of proposals relating to the enhancement of the role of the International Court of Justice. In that connection, advisory opinions should be requested from the Court more frequently. Consideration should also

be given to ways in which the Security Council could derive the greatest benefit from the advisory opinions of the Court.

56. The necessary steps should be taken in order to ensure that the Special Committee did not duplicate the work of other United Nations bodies. Nonetheless, its character as a body primarily entrusted with considering the legal aspects of the Organization's activities must be recognized. In addition, the Chairman of the Sixth Committee should be invited to hold consultations with the President of the General Assembly, the Chairman of the Open-ended Working Group on an Agenda for Peace and the Chairman of the Open-ended Working Group on the Question of Equitable Representation on an Increase in the Membership of the Security Council in order to exchange views on how the Special Committee could best contribute to the reform process of the United Nations.

57. Mr. MOCHOCHOKO (Lesotho) said that, for the first time in its history, the Special Committee was open to all Member States, which had given it a new lease on life. The important issues entrusted to it highlighted the importance it had acquired; it therefore continued to be the most appropriate forum for the consideration of the various legal aspects of the revitalization and reform of the United Nations.

58. The report of the Special Committee highlighted the important work it had carried out in a number of areas, including its consideration of the question of implementation of provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter. Sanctions were useful in responding to threats to peace, breaches of peace and acts of aggression. Nonetheless, in some cases, economic sanctions against a State affected its neighbours when their economies were largely interdependent. In order to remedy that situation, General Assembly resolution 50/51 had been adopted, which stressed the importance of holding early consultations with the Security Council, the role and activities of the international financial institutions in providing assistance to third States and the role of the Secretariat in providing advice and offering possible options for mitigating the adverse effects of the sanctions and exploring innovative and practical measures of assistance.

59. He noted with appreciation the coordination among the Department of Political Affairs, the Department for Policy Coordination and Sustainable Development, the Department for Economic and Social Information and Policy Analysis and the Office of Legal Affairs for purposes of carrying out the activities described in paragraph 3 of the resolution. It was to be hoped that such joint endeavours would lead to the adoption of effective and generally accepted measures for resolving the problems being addressed.

60. The role of the Trusteeship Council should become that of trustee of the common heritage of humankind. Although changing its mandate could entail legal problems, those problems could be resolved in the context of the overall amendment of the Charter. That question should be studied further in the light of the expanded mandate of the General Assembly's Open-ended High-level Working Group on the Strengthening of the United Nations System or by the Special Committee.

61. The importance of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council was undeniable; they contained reference sources and they helped to preserve the institutional memory of the Organization. Therefore, despite the financial difficulties facing the Secretariat, the possibility of reviving their publication on a timely basis should be considered.

62. Mr. SIDI-ABED (Algeria) viewed the adoption of General Assembly resolution 50/51 in a positive light, even though the resolution was not an end in itself but rather the methodological framework for establishing appropriate and effective mechanisms to address the economic problems of third States affected by the application of sanctions. In view of the complexity of that question, the Special Committee and the General Assembly should redouble their efforts. The report of the Secretary-General on that subject (A/51/317) neither formulated practical measures for addressing the concerns voiced by States regarding assistance nor highlighted the trend which had been developing since the Special Committee and the General Assembly had begun considering the question. As one of the General Assembly working groups had emphasized, it was certainly not easy to define specific and effective measures in order to take into account the economic problems affecting certain States as a result of the application of sanctions. The Secretariat should therefore tackle the question from a practical standpoint with the aim of achieving considerable progress and preventing debates among delegations which merely produced abstract results. In that connection, he commended the efforts being carried out by various Secretariat units with the aim of accomplishing that arduous and complex task.

63. The adoption by the General Assembly of the United Nations Model Rules for the Conciliation of Disputes between States was a positive development, although the usefulness of preparing further texts in a field in which sufficient regulations already existed was questionable.

64. Since the adaptation to new international realities was beginning to manifest itself in such areas as the revitalization of the work of the General Assembly and the review of the composition and functioning of the Security Council, it would be paradoxical if the Special Committee did not follow suit by adapting the Charter of the United Nations. Current conditions lent themselves particularly well to undertaking a revitalization of the work of the Special Committee, with a view to enabling it to make a real adjustment to the mandate assigned to it with the ultimate objective of strengthening the role of the Organization. The participation of the Special Committee in the consideration of certain aspects of those topical questions would doubtless provide extremely useful legal clarity and technical expertise.

The meeting rose at 5.20 p.m.